

Appln No. 10/528,983
Amdt date December 26, 2007
Reply to Office action of June 26, 2007

REMARKS/ARGUMENTS

By the present amendment, claims 1, 19, 31 and 38 have been amended and no claims have been added or cancelled. Claims 3, 21 and 25 have been previously cancelled. Claims 9-18 have been indicated as being allowable. Accordingly, claims 1, 2, 4-20, 22-24 and 26-45 are presently pending. Claims 9-18 have been indicated as allowable and favorable reconsideration of claims 1, 2, 4-8, 19, 20, 22-24 and 26-45 is respectfully requested.

Applicant is grateful for the Examiner's indication of allowable subject matter in claims 9-18.

35 U.S.C. §102(b)

The Examiner has rejected claims 1, 5, 19, 20, 22, 31, 33, 38, 40 and 45 as being anticipated by Doan et al. (US 4,200,904).

The standard for an anticipation rejection under 35 U.S.C. §102 has been well established by the Court of Appeals for the Federal Circuit, and is set forth in M.P.E.P. § 2131, which provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. In addition, the identical invention must be shown in as complete detail as is contained in the claim. For a prior art reference to anticipate a claimed invention, every element of the claimed invention must be identically shown in a single reference, and these elements must be arranged as in the claim under review.

Independent claims 1, 19, 31 and 38 have now been amended to recite "a second user operable switch" that functions to signal a bus to stop (claims 1 and 19) or to control illumination of a display region (claims 31 and 38). Support for this amendment can be found in the application as originally filed which refers to "on demand" activation of the various lights, activation by a customer or activation by pressing of an appropriate button.

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Applicant respectfully submits that amended independent claims 1, 19, 31 and 38 overcome the Examiner's anticipation rejection because, for example, Doan fails to disclose a second user operable switch to signal a bus to stop or to illuminate a display.

In fact, the Doan reference does not teach or suggest a user operable switch. Doan discloses a photocell switch activated by ambient light levels or timer switch at column 3, lines 5-10. At column 3, lines 30-36, Doan teaches an optional control board 31 having signal lights 32 for indicating the state of various system components, however, Doan makes no mention of any switch or other means by which a user could activate the features of the lighting system using the control board 31. Doan also states that the panel may be internal to the pole and accessible through a door to reinforce that the control board, if present, is not intended for operation by a member of the public.

Doan does describe a pedestrian signal 28,29, but does not teach or suggest any means for a person to activate the pedestrian signal. In this respect, Doan teaches away from the user operable bus stop illuminating device of the present invention as Doan discloses a street lighting system that operates independently of user interaction relying on solar and/or wind power to charge a battery for illuminating a street light and optionally a pedestrian signal and/or traffic lights. There is no teaching or suggestion in Doan of a bus stop lighting system incorporating user controlled viewing of a bus schedule or user controlled activation of a light to signal a request for a bus to stop.

Accordingly, Applicant respectfully submits that the rejection of independent claims 1, 19, 31 and 38 under 35 U.S.C. §102(b) should be withdrawn in view of the above comments and the amendments to the claims. Furthermore, dependent claims 5, 20, 22 33, 40 and 45 derive patentable significance from their dependence, directly or indirectly, on the associated independent claims.

35 U.S.C. §103(a)

The Examiner has rejected claims 2, 4, 6, 8, 23, 26, 27, 34-37 and 41-44 in view of Doan. In addition, claims 7, 24 , 32 and 39 were rejected in view of Doan in combination with Guest.

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As argued above, Doan does not teach or suggest a second user operable switch for controlling viewing of a bus schedule or activation of a light to signal a request for a bus to stop.

Claims 2, 4, 8, 26-28, 34, 35, 37 and 42-44 are directed to LED light sources that find particular application with the system of the present invention. Applicant respectfully submits that dependent claims 2, 4, 8, 26-27, 34, 35, 37 and 42-44 derive patentable significance from their dependence directly or indirectly on independent claims 1, 19, 31 and 38, respectively, and due to the additional subject matter that these claims recite.

Claims 6, 23, 36 and 41 are directed to a third light source being incorporated into the claimed bus stop illuminating device. Once again Applicant respectfully submits that dependent claims 6, 23, 36 and 41 derive patentable significance from their dependence directly or indirectly on independent claims 1, 19, 31 and 38, respectively, and due to the additional subject matter that these claims recite.

Claims 7, 24, 32 and 39 are directed to a particular arrangement of the display region of the present invention which the Examiner argues is disclosed in the Guest reference. It is applicant's position that Guest does not address the deficiencies of Doan as a reference. Therefore, claims 7, 24, 32 and 39 are patentable by virtue of their dependence on claims 1, 19 and 38, respectively.

Applicant respectfully requests further favorable consideration of the application.

Respectfully submitted,

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